

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARTIN BATALLA VIDAL, et al.,

Plaintiffs,

-against-

CHAD WOLF, Acting Secretary, Department of
Homeland Security, et al.,

Defendants.

STATE OF NEW YORK, et al.,

Plaintiffs,

-against-

DONALD TRUMP, President of the United
States, et al.,

Defendants.

ORDER

16-CV-4756 (NGG) (JO)

17-CV-5228 (NGG) (JO)

NICHOLAS G. GARAUFIS, United States District Judge.

On August 20, 2020 at 2:00 pm, the court held a status conference, via videoconference, to consider the schedule for briefing and the production of administrative materials in two related cases: *Batalla Vidal, et al. v. Wolf, et al.*, No. 16-cv-4756 (NGG) (JO), and *State of New York, et al. v. Trump, et al.*, No. 17-cv-5228 (NGG) (JO). Counsel for all parties present. Upon consideration of the submissions by the parties (*see* Pls.' Aug. 19, 2020 Letter (Dkt. 305); Defs.' Aug. 19, 2020 Letter (Dkt. 306)), the court ORDERS the following schedule:

- **By Friday, August 28, 2020 at 12:00 pm:** Plaintiffs shall file their amended complaints. In addition, Plaintiffs shall file their motions for partial summary judgment, limited to the question of Defendant Acting Secretary Wolf's lawful authority under the Federal Vacancies Reform Act, the Homeland Security Act of 2016, and any related arguments, as discussed at the status conference. Defendants' request that Plaintiffs file joint briefing is DENIED. Plaintiffs in the *Batalla Vidal* case shall also file their motion for class certification.
- **By Friday, September 4, 2020 at 12:00 pm:** Defendants shall produce the Administrative Record, as well as a privilege log identifying any materials withheld therefrom due to claims of privilege.
- **By Friday, September 11, 2020 at 12:00 pm:** Defendants shall file any opposition to Plaintiffs' motions for partial summary judgment, as well as any cross motions regarding the same issue.
- **By Friday, September 18, 2020 at 12:00 pm:** Defendants shall file any opposition to the *Batalla Vidal* Plaintiffs' motion for class certification. The parties shall file either a joint status report or separate status reports, addressing the status of the production of the Administrative Record.
- **By Friday, September 25, 2020 at 12:00 pm:** Plaintiffs shall file any reply to Defendants' opposition to partial summary judgment, as well as any opposition to cross motions for partial summary judgment.

- **By Friday, October 2, 2020 at 12:00 pm:** Defendants shall file any reply to Plaintiffs' opposition to cross motions for partial summary judgment. The *Batalla Vidal* Plaintiffs shall file any reply to Defendants' opposition to class certification.
- **On Wednesday, October 7, 2020 at 2:00 pm:** The court will hold oral argument.
- Defendants' obligation to answer Plaintiffs' amended complaints is STAYED until 14 days after the court decides the motions for partial summary judgment.

SO ORDERED.

Dated: Brooklyn, New York
August 24, 2020

/s/ Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge